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Security Council

Sixty-sixth year

Provisional

6523rd meeting

Wednesday, 27 April 2011, 10.40 a.m.

New York

President:	Mr. Osorio	(Colombia)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mr. Fernandes
	China	Mr. Yang Tao
	France	Mr. Araud
	Gabon	Mr. Messone
	Germany	Mr. Berger
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Khachab
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2011/249)

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The meeting was called to order at 10.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2011/249)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Spain to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2011/268, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

I wish to draw the attention of Council members to document S/2011/249, containing the report of the Secretary-General on the situation concerning Western Sahara.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Sangqu (South Africa): On this day, 27 April, 17 years ago, South Africans loudly proclaimed from their rooftops, in the words of Doctor Martin Luther King Jr.: "Free at last! Free at last!" This was in celebration of the fulfilment of our right to self-determination and freedom. Nelson Mandela stated that our freedom would be incomplete without the freedom and self-determination of others. The people of Western Sahara continue to be denied this inalienable right.

Twenty years ago, this Council mandated the creation of the United Nations Mission for the Referendum in Western Sahara (MINURSO). While MINURSO has successfully maintained the ceasefire, its core mandate of overseeing the referendum that would lead to the realization of the right to self-determination of the people of Western Sahara has not been realized.

We welcome the fact that the parties have made some progress during their negotiations, especially on confidence-building measures. However, we regret that the parties have not moved on the core issues that would allow the people of Western Sahara to freely determine their future and destiny, whether it is full independence or autonomy from Morocco.

It is noteworthy that the Council, through the draft resolution before us (S/2011/268), encourages the parties to demonstrate further political will towards a solution, including by expanding on their discussions of each other's proposals. We would hope that a meaningful engagement in this manner would contribute to finding a mutually acceptable solution that would provide for the self-determination of the people of Western Sahara.

My delegation further welcomes the parties' stated commitment to hold the seventh round of informal talks in May to examine the 27 April 2007 proposals. We urge them to focus on the core issues in order to bring finality to this intractable dispute.

The impending adoption of this draft resolution comes at a critical time in history, when the people of the Middle East and North Africa are demanding the full promotion, protection and enjoyment of their political, socio-economic and human rights. Our discussion on the situation in the Western Sahara also comes at a time when the Security Council acted swiftly in fulfilling its mandate to maintain international peace and security in Libya and Côte d'Ivoire, as well as ensuring that the voices of the people in those countries were heard. As a responsible member of the Council, we supported those actions. Uprisings in the Middle East and North Africa are an indication that the status quo, when the human rights of people are denied, can no longer be sustained.

In keeping with the Council's action in the past few months, we have to ensure that the rights of the people of Western Sahara are not ignored and are protected. Human rights are universal, indivisible and interdependent. It is a travesty that MINURSO's is one of the few United Nations mandates, and the only one in Africa, that does not include a human rights mandate. This double standard creates the impression that the Security Council does not care about the

human rights of the people of Western Sahara. Certainly, the continued inertia of the Council on this matter has the potential to erode the credibility of this important body. South Africa maintains that MINURSO should have a human rights monitoring mandate, especially in the light of recent reports of human rights incidents in Western Sahara, including events in Laayoune late last year.

The draft resolution that we have before us stresses the importance of improving the human rights situation in Western Sahara in the Tindouf camps and encourages the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law. We would have hoped that the Council would have created a mechanism to protect the human rights of the Saharawi people, as it does in other situations. We believe that an international, credible, legal and permanent mechanism is necessary.

We note the establishment of the National Council on Human Rights in Morocco and the proposed component regarding the territory of Western Sahara, as well as the commitment of Morocco to ensure unqualified and unimpeded access to all special procedures of the United Nations Human Rights Council. However, we believe that this should be done without prejudice to the legal status of Western Sahara as a Non-Self-Governing Territory under Chapter XI of the Charter of the United Nations.

In conclusion, we draw attention to the fact that Western Sahara remains the last colony on the African continent and that it is listed as a Non-Self-Governing Territory by the United Nations. South Africa will continue to support efforts to achieve a just, lasting and mutually acceptable political solution, which will provide for the inalienable right to self-determination of the people of Western Sahara. It is for this reason that my delegation will vote in favour of the draft resolution before us, extending the mandate of the United Nations Mission for the Referendum in Western Sahara.

Mr. Onemola (Nigeria): At its 2984th meeting, on 29 April 1991, the Security Council, through resolution 690 (1991), established the United Nations Mission for the Referendum in Western Sahara (MINURSO). Central to the Mission's mandate is a referendum in Western Sahara as part of a peaceful settlement of an intractable problem. In essence, MINURSO derives its legal basis and relevance from that resolution. We are deeply troubled by the lack of a reference to resolution 690 (1991) in the current draft resolution (S/2011/268).

Paragraph 120 of the Secretary-General's report (S/2011/249) reinforces the point that the decision of the fate of Western Sahara lies with the people of the territory. The Security Council has supported this principle through its positions on South Sudan and, now, in North Africa. The people of Western Sahara must be given a similar opportunity to determine their own destiny. Indeed, the ongoing developments in the Middle East and North Africa are a strong reminder that the status quo is no longer tenable.

All Members of the United Nations have emphasized the need for coherence and consistency in the policies we promote. In 2005, human rights received a major boost with the establishment of the Human Rights Council. Collectively, Member States reaffirmed their commitment and obligation to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all in accordance with the United Nations Charter. That is even more so in cases where parties to conflict accuse each other of rights violations. The intolerable human rights violations in Western Sahara require constant monitoring and appropriate rapid-response capability, which only a permanent and neutral international human rights monitoring and reporting body could provide.

Nigeria is convinced of the importance of upholding human rights as a universal principle. The Council should be seen to promote and vigorously defend human rights in all circumstances. The Saharawi Arab Democratic Republic, a full-fledged member of the African Union (AU) since 1984, remains the only country on the continent still awaiting the completion of its process of decolonization. It is inconceivable that neither the African Union nor a member State of the AU is a member of the Group of Friends of Western Sahara. We believe that the time has come to involve African Union countries in the efforts to find an international solution to the conflict. Nobody could be better friends of the people of Western Sahara than the representatives of the regional group to which it belongs.

My delegation will vote for this draft resolution, but we hope that, in the future, some of the concerns we have raised will be considered.

The President (*spoke in Spanish*): There are no other speakers inscribed on my list of those wishing to speak before the voting on the draft resolution. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1979 (2011).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Sir Mark Lyall Grant (United Kingdom): It has been 20 years since the Council first mandated the United Nations Mission for the Referendum in Western Sahara (MINURSO). As the Secretary-General notes in his report (S/2011/249), the situation on the ground has changed dramatically in those 20 years. For the United Kingdom, the status quo is unsustainable in the longer term. If the Security Council does not work actively to resolve this issue, it will get worse.

We support the tireless efforts of Ambassador Christopher Ross, but it is clear that no progress has been made on the substance of the dispute. This stalemate is regrettable, and we should not pretend otherwise.

The United Kingdom wants to see greater efficiency in all peacekeeping missions. We approach MINURSO no differently. This resolution requests the Secretary-General to keep MINURSO's operations under close review and to pursue a rigorous and strategic approach to its deployment, and calls for an examination of the existing challenges to MINURSO's operations to reflect more closely the situation on the ground.

The core issue under dispute in relation to Western Sahara is one of territory and sovereignty. This resolution does not affect the position of the parties in that respect. But the human rights situation in Western Sahara and the Tindouf camps is frequently raised by both parties and is an important issue in itself. The United Kingdom has said for a number of years that the Security Council should address this matter. We are pleased that it has now done so in this resolution. The Council has welcomed Morocco's proposals and those of the Frente Polisario as a meaningful step forward on human rights, but has also set expectations for implementation, delivery and further progress.

The political future of Western Sahara will be determined only by a concerted effort from both Morocco and the Polisario, with the support of the international community. Each party must demonstrate political will towards a solution by expanding upon their discussions of the other's proposals and considering innovative approaches to the negotiations. Unless and until the political will can be found by the parties, we will be no closer to the realization of a substantive political solution.

Mr. Araud (France) (*spoke in French*): My delegation welcomes the Security Council's unanimous adoption of resolution 1979 (2011), which highlights the importance attached by the international community to settling the conflict in Western Sahara. The resolution sends three important messages.

First, it recalls the priority nature of the political process. We welcome the acceleration of unofficial talks under the auspices of the Personal Envoy of the Secretary-General, and hope that official negotiations will quickly resume. We support the initiatives taken by Mr. Ross along these lines, but he will be able to do nothing without the commitment of all parties, which should participate in the negotiations, as recalled by the resolution we have just adopted. The parties should show a sense of realism and a spirit of compromise, and abstain from any provocation.

The settlement of this question is a necessity not only for the people of Western Sahara, but also for the stability, security and integration of the Maghreb region. Nothing should therefore distract us from this objective. In this regard, Morocco has presented a serious and credible autonomy plan that is a good basis for negotiation.

The second message is that the resolution sends a clear message of support for the reforms undertaken by Morocco, especially with respect to human rights. The King of Morocco, in his historic 9 March speech,

launched a reform movement that the Council wishes to support. In this context, we are pleased that Morocco has decided not only to establish national human rights mechanisms, but also to ensure access to the 33 special procedures of the Human Rights Council. The Security Council has welcomed and encouraged these new substantial measures, which will benefit the population of Western Sahara in particular. But the resolution also recalls that the situation of the Sahrawi population in the Tindouf camps should not be forgotten.

The third message is that the resolution highlights the considerable progress being made in the area of confidence-building measures. The agreement of the parties and the neighbouring States to meet regularly with the Office of the United Nations High Commissioner for Refugees (UNHCR) to reassess the entire confidence-building programme is important. Last week, the dispatch of a team to study the construction of a road that would facilitate family visits and the organization of a seminar in Portugal between Sahrawis in Western Sahara and in the camps are positive developments. Every effort must be made to alleviate the day-to-day difficulties of the Sahrawi population. We salute the role played by the UNHCR in this regard. We support any additional measures taken on the political and humanitarian levels, with the agreement of the parties, to promote mutual trust.

Mr. Messone (Gabon) (*spoke in French*): Gabon's position on the issue of Western Sahara is well known. We have always backed dialogue among the parties and positions mindful of international law and regional stability. We wish to recall our commitment to respect for human rights.

My delegation welcomes the adoption of today's resolution 1979 (2011) on Western Sahara. This balanced resolution confirms the importance of the negotiating process and reiterates the Council's appreciation for the efforts undertaken by Morocco since 2006. Gabon also welcomes the resolution's support for the three initiatives proposed by the Secretary-General in his report (S/2011/249). These initiatives will promote a deepening of the negotiations under way under the aegis of the Secretary-General's Personal Envoy, Mr. Christopher Ross, to whom we reiterate our support for his efforts to reinvigorate the negotiating process.

We believe that the resolution also endorses the Secretary-General's recommendation as to the need for the Office of the United Nations High Commissioner for Refugees to continue to address the issue of refugees in the Tindouf camps. We welcome the recognition of the efforts and measures undertaken by Morocco to consolidate and strengthen the promotion and protection of human rights, especially in Western Sahara. Gabon remains wedded to the main objective of promoting a definitive solution to this problem and to creating conditions conducive to stability in the Maghreb region.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. The Security Council has thus concluded the current stage of its consideration of the item on its agenda.

The meeting rose at 11 a.m.